

ATTACHMENT #4

KINSHIP CARE PAYMENT ELIGIBILITY
DETERMINATION

APPENDIX A: JURISDICTIONAL CRITERIA
APPENDIX B: KINSHIP CARE DEFINITIONS

Attachment #4 is a model form which can be used to determine whether all of the program eligibility requirements are met. Again, the form is not mandatory, but we recommend that any form used contain this information. This is Form CFS-2024 and can be ordered in writing (preferably on the DMS-25 form) from:

Attn: Forms
DHFS/DSL
P.O. Box 309
Madison, WI 53701-0309

Appendix A to Attachment #4 is a listing of the jurisdictional criteria for Children in Need of Protection or Services [CHIPS] and Juveniles in Need of Protection or Services [DIPS] under s.48.13 and s.938.13, respectively.

Appendix B to Attachment #4 is a listing of definitions related to the Kinship Care program.

KINSHIP CARE PAYMENT ELIGIBILITY DETERMINATION

This form may be utilized as an instrument in determining eligibility for Kinship Care payments per s. 48.57(3m) of the Wisconsin Statutes. Personally identifiable information collected on this form is confidential and is to be used for identification purposes and in determining eligibility for a payment only.

Name of Caretaker Relative

Name of Minor Relative

SECTION I Jurisdictional Criteria

In order for a Kinship Care payment to be approved, it must be determined that **either**:

- A. The child meets one or more of the criteria under s.48.13 (Child in Need of Protection or Services [CHIPS]) or s.938.13 (Juvenile in Need of Protection or Services [JIPS]), or
- B. The possibility exists that the child might in the future meet one or more of those criteria, in the judgment of the approving agency, if the child were to remain in his or her home.

[The determination that the child or juvenile might need protection or services in the future is simply a judgment that conditions in the home are such that, absent any change in the stresses or other conditions, the child and family might at some point need assistance. This is not the same as a case finding under s.48.981 that a child has been threatened with abuse or neglect and that abuse or neglect is likely to occur.]

1. Does the description in **either** A or B above apply in this case? **YES** **NO**

[If you answered "NO," the payment is denied. You do not need to complete the rest of this form.]

SECTION II Need Criteria

Beyond the specific CHIPS and JIPS jurisdiction identified in Section I, could one of the following needs of the child be better met in the relative caretaker's home because of conditions in the parental home? [The identification of basic needs is from s.48.01(1)(ag).]

1. The need for adequate food, clothing and shelter. **YES** **NO**
2. The need to be free from physical, sexual or emotional injury or exploitation. **YES** **NO**
3. The need to develop physically, mentally and emotionally to his or her potential. **YES** **NO**
4. The need for a safe and permanent family. **YES** **NO**

[If you answered "NO" to **all** of these, the payment is denied. You do not need to complete the rest of the form.]

FORM CONTINUED ON REVERSE SIDE

SECTION III. Other Program Requirements

Are all of the following program requirements met?

- | | | | |
|----|---|-----|----|
| 1. | Is the child living with a relative as defined in s. 48.57 or The Indian Child Welfare Act? | YES | NO |
| 2. | Has the relative cooperated with the agency in the application process? | YES | NO |
| 3. | Has the relative signed an agreement to notify the county or tribal agency if the child leaves or if new persons subject to the criminal records check become residents of the relative's home or enter the relative's employ? | YES | NO |
| 4. | Is the criminal record of the relative, other adult resident of the household or an employe of the relative who might have regular contact with the child acceptable? | YES | NO |
| 5. | Has the relative applied for other forms of assistance for which the child (via the relative) is eligible or has the relative indicated that he or she will apply for such other forms of assistance? | YES | NO |
| 6. | Has the relative stated, verbally or in writing, that neither he or she, any other adult living in the home nor any employe of the relative who might have regular contact with the child has any arrests or convictions that could adversely affect the child or the relative's ability to care for the child? | YES | NO |

[If you answered "NO" to any of the above, the payment is denied. You do not need to complete the rest of the form.]

SECTION IV. Eligibility

- | | | | |
|----|---|-----|----|
| 1. | Did you respond "YES" to the question in Section I? | YES | NO |
| 2. | Did you respond "YES" to any of the criteria in Section II? | YES | NO |
| 3. | Did you respond "YES" to all of the questions in Section III? | YES | NO |

If you responded "YES" to each of Questions 1, 2 and 3 immediately above, you have determined that it is in the best interests of the child to live with the relative.

- | | | | |
|----|---|-----|----|
| 4. | Is the child's parent aware of and in approval of the child's living arrangement with the relative or is the child placed with the relative by court order? | YES | NO |
|----|---|-----|----|

If you responded "YES" to all of Questions 1, 2, 3 and 4 above, then the Kinship Care living arrangement is approved for payment. If you responded "NO" to either Question 1, 2, 3 or 4 above, then the Kinship Care living arrangement is not approved for payment.

Signature of Agency Representative

Date of Signature

KINSHIP CARE JURISDICTIONAL CRITERIA

- A. Criteria for juvenile court jurisdiction that a child is in need of protection or services can be found in s.48.13, Stats. These criteria are repeated below:**
1. The child is without a parent or guardian.
 2. The child has been abandoned.
 3. The child has been the victim of sexual or physical abuse including injury that is self-inflicted or inflicted by another by other than accidental means.
 4. The child is at substantial risk of becoming the victim of sexual or physical abuse including injury that is self-inflicted or inflicted by another, based on reliable and credible information that another child in the home has been the victim of sexual or physical abuse.
 5. The child's parent or guardian has signed a petition requesting jurisdiction and is unable or needs assistance to care for or provide necessary special treatment or care for the child.
 6. The child has been placed for care or adoption in violation of law.
 7. The child is receiving inadequate care during the period of time a parent is missing, incarcerated, hospitalized or institutionalized.
 8. The child is at least age 12, signs the petition requesting jurisdiction and is in need of special treatment or care which the parent, guardian or legal custodian is unwilling, neglecting, unable or needs assistance to provide.
 9. The child's parent, guardian or legal custodian neglects, refuses or is unable for reasons other than poverty to provide necessary care, food, clothing, medical or dental care or shelter so as to seriously endanger the physical health of the child.
 10. The child's parent, guardian or legal custodian is at substantial risk of neglecting, refusing or being unable for reasons other than poverty to provide necessary care, food, clothing, medical or dental care or shelter so as to seriously endanger the physical health of the child, based on reliable and credible information that the child's parent, guardian or legal custodian has neglected, refused or been unable for reasons other than poverty to provide necessary care, food, clothing, medical or dental care or shelter so as to seriously endanger the physical health of another child in the home.

11. The child is suffering emotional damage for which the parent, guardian or legal custodian has neglected, refused or been unable and is neglecting, refusing or unable, for reasons other than poverty, to obtain necessary treatment or to take necessary steps to ameliorate the symptoms.
 12. The child is suffering from an alcohol and other drug abuse impairment, exhibited to a severe degree, for which the parent, guardian or legal custodian is neglecting, refusing or unable to provide treatment.
 13. The child has not been immunized as required by s.252.04 and not exempted under s.252.04(3).
- B. Criteria for juvenile court jurisdiction that a juvenile is in need of protection or services can be found in s.938.13, Stats. These **criteria are repeated below:**
1. The child's parent or guardian signs the petition requesting jurisdiction and states that he or she is unable to control the child.
 2. The child is habitually truant from school, if evidence is provided by the school attendance officer that the activities under s.118.16(5) have been completed or were not completed due to the child's absence from school as provided in s.118.16(Sm), except as provided under s.938.17(2).
 3. The child is a school dropout, as defined in s.118.153(1)(b).
 4. The child is habitually truant from home and either the child or a parent, guardian or a relative in whose home the child resides signs the petition requesting jurisdiction and attests in court that reconciliation efforts have been attempted and have failed.
 5. That the child, being under 10 years of age, has committed a delinquent act.
 6. That the child has been determined, under s.938.30(5)(c), to be not responsible for a delinquent act by reason of mental disease or defect or has been determined, under s.938.30(5)(d), to be not competent to proceed.

KINSHIP CARE-RELATED DEFINITIONS

Abuse means

- a. Physical injury inflicted on a child by other than accidental means.
- b. Sexual intercourse or sexual contact under s.940.225, 948.02, 948.025 or 948.095.
- c. A violation of s.948.05 (includes filming, videotaping, photographing or recording a child to sexually exploit the child).
- d. Permitting, allowing or encouraging a child to violate s.944.30 (prostitution).
- e. A violation of s.948.055 (intentionally causing a child to view or listen to sexual activity).
- f. A violation of s.948.10 (exposing genitals or pubic area to a child or causing a child to expose his or hers).
- g. Emotional damage for which the child's parent, guardian or legal custodian has neglected, refused or been unable for reasons other than poverty to obtain the necessary treatment or to take steps to ameliorate the symptoms.

Emotional damage means harm to a child's psychological or intellectual functioning, evidenced by one or more of the following characteristics exhibited to a severe degree: anxiety; depression; withdrawal; outward aggressive behavior; or a substantial and observable change in behavior, emotional response or cognition that is not within the normal range for the child's age and stage of development.

Neglect means failure, refusal or inability on the part of a parent, guardian, legal custodian or other person exercising temporary or permanent control over a child, for reasons other than poverty, to provide necessary care, food, clothing, medical or dental care or shelter so as to seriously endanger the physical health of the child.

Physical injury includes but is not limited to lacerations, fractured bones, burns, internal injuries, severe or frequent bruising or great bodily harm, as defined in s.939.22(14).

Relative means a stepparent, brother, sister, stepbrother, stepsister, first cousin, nephew, niece, aunt, uncle or any person of a preceding generation as denoted by the prefix of grand, great or great-great, whether by consanguinity (i.e., blood), direct affinity (i.e., marriage) or legal adoption, or the spouse of any such person, even if the marriage is terminated by death or divorce. If the child is an Indian child, relative would also include second cousin or other extended family member which is defined by the law or custom of the child's tribe.

School dropout is defined as a child who ceased to attend school, does not attend a public or private school, technical college or homebased private educational program on a full-time basis, has not graduated from high school and does not have an acceptable excuse under s.118.15(1)(b) to (d) or (3).